

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FEDERAL TRADE COMMISSION	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	
	:	
MORRONE'S WATER ICE, INC,	:	NO. 02-3720
a Pennsylvania Corporation;	:	
FRANCHISE CONSULTANTS	:	
CORPORATION, a Pennsylvania	:	
corporation, d/b/a, FRANCHISE	:	
CONSULTANTS GROUP;	:	
ICE AMERICA CORPORATION,	:	
a Pennsylvania corporation;	:	
WATER ICE SYSTEMS, INC.,	:	
A Pennsylvania corporation;	:	
JMS SALES, INC., a Pennsylvania	:	
corporation;	:	
STEPHEN D. ALEARDI, a/k/a STEVE	:	
ALEARDI, individually and as an officer	:	
of FRANCHISE CONSULTANTS	:	
CORPORATION, ICE AMERICA	:	
CORPORATION, WATER ICE	:	
SYSTEMS, INC., JMS SALES, INC.;	:	
and, JOHN J. MORRONE, III,	:	
individually and as an officer of ICE	:	
AMERICA CORPORATION, WATER	:	
ICE SYSTEMS, INC., and JMS SALES	:	
INC.	:	
Defendants.	:	

ORDER

AND NOW, this 28th day of June, 2002, upon further consideration of Plaintiff's Emergency Application for an *Ex Parte* Temporary Restraining Order Freezing Assets and Appointing a Temporary Receiver (Document No. 2, filed June 12, 2002), the Court having issued an *Ex Parte* Temporary Restraining Order on June 18, 2002, and by Order dated June 24,

2002, with the agreement of the parties, the Court having extended the Temporary Restraining Order until further order of the Court, and the parties having requested a conference to address the issues raised by Plaintiff's Motion for Preliminary Injunction, which conference was conducted on June 28, 2002,¹ by agreement of the parties, **IT IS ORDERED** as follows:

1. Paragraphs I, II, III and IV of the *Ex Parte* Temporary Restraining Order issued June 18, 2002, shall **CONTINUE IN EFFECT** until further order of the Court;

2. The time for providing the discovery and other documents and information covered by paragraph V, VI and VII of the *Ex Parte* Temporary Restraining Order issued June 18, 2002, is **EXTENDED** until further order of the Court. The parties shall attempt to resolve all disputes with respect to such discovery and production of documents; and,

3. The time for providing documents and other information requested by subpoenas served by plaintiff on third-parties pursuant to paragraph XI of the *Ex Parte* Temporary Restraining Order issued June 18, 2002, is **EXTENDED** until further order of the Court. Plaintiff shall notify all such third-parties that they shall not produce any of the documents requested by subpoenas until further order of the Court.

IT IS FURTHER ORDERED that the hearing on Plaintiff's Motion for Preliminary Injunction presently scheduled for July 9, 2002, is **CONTINUED** until further order of the Court.

IT IS FURTHER ORDERED that paragraph X of the *Ex Parte* Temporary Restraining Order issued June 18, 2002, which requires the filing of papers on Motion for Preliminary

¹Counsel for defendants and the individual defendants, Steven D. Aleardi and John J. Morrone, appeared in Chambers; counsel for plaintiff participated by telephone.

Injunction and Pleadings is **VACATED** provided, however, that defendants shall file and serve their answer or other response to the Complaint not later than noon on Monday, July 8, 2002.

Two (2) copies of the answer and/or other response shall served on the Court by facsimile transmission ((215) 580-2141) when the original is filed.

IT IS FURTHER ORDERED that oral argument/hearing to address any unresolved discovery disputes and all other disputes relating to the pending Motion for Preliminary Injunction is **SCHEDULED** for Tuesday, July 9, 2002, at 10:00 A.M., in Courtroom 12-B, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.

IT IS FURTHER ORDERED that, with regard to any correspondence, pleadings, or notifications related to this Order, service on the Commission shall be performed by personal or facsimile delivery (but not delivery by U.S. Mail) to the attention of Russell Deitch, Counsel for the Commission, at the Federal Trade Commission, 600 Pennsylvania Ave., N.W., Room 238, Washington, DC 20580, facsimile number (202) 326-3395 before 4:45 p.m. (EST) of the day such service is due.

The parties having agreed to discuss all of their discovery disputes and related disputes in an effort to resolve them, **IT IS FURTHER ORDERED** that the time for responding to Defendants' Combined Motion for Protective Order and Quash Subpoenas or in the Alternative, Motion to Modify *Ex Parte* Temporary Retraining Order is **EXTENDED** until further order of the Court.

IT IS FURTHER ORDERED that all contrary provisions of this Court's *Ex Parte*

Restraining Order issued June 18, 2002, are **VACATED**. All other provisions of the said *Ex Parte* Restraining Order **CONTINUE IN EFFECT**.

BY THE COURT:

JAN E. DUBOIS, J.